Attorney's Docket No.:(	003558.P007X		PAT	ENT
DECLARATION 		ORNEY FOR PATENT APPLIC	CATION	
As a below named inventor,	I hereby declare that:			
My residence, post office ac	ddress and citizenship a	re as stated below, next to my i	name.	
believe I am the original, find and joint inventor (if plural n which a patent is sought on	ames are listed below)	only one name is listed below) of the subject matter which is cl	or an orig aimed an	inal, first, d for
Three-Di	mensional Memory Ar	ray and Method of Fabricatio	n	
he specification of which				
ori	n (MM/DD/YYYY)ited States Application I PCT International Applic	Number cation Number I/DD/YYYY) (if applicable)		
Including the claims, as am I acknowledge the duty to d defined in Title 37, Code of I hereby claim foreign priori foreign application(s) for pa	ended by any amendmentisclose all information keep Federal Regulations, Softy benefits under Title 3 tent or inventor's certificate or inventor's certificate.	nown to me to be material to pa	atentability 119(a)-(d identified	as ), of any below any
Prior Foreign Application(s)	l.		Priori <u>Claim</u>	•
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
I hereby claim the benefit uprovisional application(s) list	nder title 35, United Sta sted below:	tes Code, Section 119(e) of an	y United S	States
Application Number	(Filing Date - I	(Filing Date – MM/DD/YYYY)		
Application Number	(Filing Date - I	(Filing Date – MM/DD/YYYY)		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/560,626	4/28/2000	Pending			
Application Number	(Filing Date – MM/DD/YYYY)	Status patented, pending, abandoned			
Application Number	(Filing Date – MM/DD/YYYY)	Status patented, pending, abandoned			
part of this document) a	as my respective patent attorneys and tion, to prosecute this application and	nich is incorporated by reference and a I patent agents, with full power of to transact all business in the Patent			
ZAFMAN LLP, 12400 V	(Name of Attorney or Agent) Wilshire Boulevard 7th Floor, Los A	_, BLAKELY, SOKOLOFF, TAYLOR &			
relephone calls to	Edwin H. Taylor , (408 (Name of Attorney or Agent)	3) 720-8300.			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.					
Full Name of Sole/First	Inventor N. Johan Knall				
Inventor's Signature	John knew	Date 21 March 2001			
Residence Sunnyvale	L	tizenship <u>Sweden</u> (Country)			
Post Office Address	1055 Westchester Drive Sunnyvale CA 94087				
Full Name of Second/J	oint Inventor <u>Mark Johnson</u>				
Inventor's Signature	Mark & Johnson	Date 21 March 2001			
Residence Los Altos,	California Cit (City, State)	tizenship <u>U.S.A.</u> (Country)			
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## APPENDIX A

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## APPENDIX B

## Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.